

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:09CR3025
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
BRET TSCHACHER,)	
)	
Defendant.)	

Defendant's counsel, John Vanderslice, filed a motion to withdraw, (filing no. 63), in response to an email the defendant sent to Judge Kopf. Defendant's email requested new counsel because the defendant was dissatisfied with his legal representation. Standby counsel, Joseph F. Gross, was appointed to advise the defendant in preparation for a hearing on the motion to withdraw.

The hearing was held today on the motion to withdraw. The defendant, Mr. Vanderslice, Mr. Gross, and the government's counsel were present. Mr. Gross stated he had reviewed the defendant's file, and had discussed the case with the defendant prior to the hearing. Mr. Gross advised the court that in his opinion, Mr. Vanderslice had provided excellent representation to the defendant. After having the benefit of Mr. Gross' assistance, the defendant stated to the court that he was satisfied with the Mr. Vanderslice's representation and he no longer wants new counsel. Mr. Gross was released from his obligation as standby counsel.

Mr. Vanderslice and counsel for the government believe this case can be resolved either by entry of a guilty plea or by a trial to the court on stipulated facts, but additional time is needed for negotiations and discussion.

Accordingly,

IT IS ORDERED:

- 1) The motion to withdraw filed by John Vanderslice, (filing no. 63), is denied. Mr. Vanderslice remains counsel for the defendant.
- 2) Either a trial to the court on stipulated facts or a change of plea hearing is set to commence before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 12:30 p.m. on December 8, 2010. One hour is set aside for this hearing.
- 3) Based upon the facts set forth in this memorandum and order, the court concludes the ends of justice served by affording the parties additional time to prepare this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and December 8, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).
- 4) Having completed his duties as defendant's appointed standby counsel, Joseph F. Gross is deemed withdrawn as counsel for the defendant, and
 - a. The Clerk is directed to remove Mr. Gross from all future ECF notifications in this case.
 - b. The Federal Public Defender is authorized to process a CJA 20 voucher for services provided by counsel Joseph Gross upon receipt of the voucher.

DATED this 22nd day of October, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge